

Email: cpfischbach@gmail.com

Present Occupation: Arbitrator and Mediator

First Business Address:

1122 North Clark Street
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Second Business Address:

3455 Peachtree Industrial Boulevard
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Duluth, GA 30098-6501

PROFESSIONAL AFFILIATIONS:

American Bar Association
Association of the State Bar of Wisconsin
Labor and Employment Relations Association
National Association of Railroad Referees

Fellow, College of Labor and Employment Lawyers
ADR Systems of America
National Arbitration and Mediation, Inc.

EDUCATION:

JD Law
MA Political Science & Labor Relations
BS Political Science & History

University of Wisconsin Law School, 1967
Rutgers University, 1962
University of Wisconsin - Madison, 1960

CERTIFICATIONS:

Law Wisconsin 1967

ARBITRATION/LABOR RELATIONS EXPERIENCE:

1985-Present: Arbitrator and Mediator. Arbitrates labor cases for FMCS, NMB, state/local agencies. Also arbitrates employment disputes involving wrongful discharge, sexual harassment/hostile work environment and statutory claims under Title VII of the Civil Rights Act and Americans with Disabilities Act. 1977-1984: Director of Labor Relations and Personnel, Chief Labor Relations Officer and Special Labor Counsel, Chicago, Rock Island and Pacific Railroad Company. 1972-1974: Executive Director, Classified Municipal Employees Association of Baltimore City. 1970: Special Assistant to Executive Officer, Labor Relations and Personnel, New York City Transit Authority. 1967-1972: Attorney at Law and Labor Relations Consultant, New York and Wisconsin. As a chief negotiator in private and public sector labor relations, negotiated and administered over 150 major labor contracts; directed the process of discipline administration and the disposition of grievances and dispute resolution involving mediation, arbitration, civil service and prevailing rate of pay proceedings. Participated in labor litigation and statutory complaints before courts and agencies.

INDUSTRIES:

Aerospace; airlines; automotive; beverage; building products; cement; chemicals; communications; construction; education; electrical equipment/appliance; electronics; food manufacturing/processing/service; foundry; furniture; grain mill; hotels/motels/casinos; hospitals/nursing home; iron; machinery; maritime; metal fabrication; office workers/clerical; packaging; plastics; police and fire; railroads; restaurants; retail stores; rubber/tire; steel; stone/quarry; transportation; trucking/storage

ISSUES:

Affirmative Action; Absenteeism; Arbitrability, Bargaining Unit Work, Conduct (Off-Duty/Personal); Discipline (Non-Discharge); Discipline (Discharge); Age Discrimination; Disability Discrimination; Race Discrimination; Sex Discrimination; Drug/Alcohol Offenses; Bonus; Holidays; Insurance; Leave; Vacation; Grievance Mediation; Health/Hospitalization; Hiring Practices; Job Performance; Job Posting/Bidding;

Jurisdictional Dispute; Layoffs/Bumping/Recall; Management Rights; Official Time; Past Practices; Pension and Welfare Plans; Promotion; Safety/Health Conditions; Seniority; Sexual Harassment; Subcontracting/Contracting Out; Tenure/Reappointment; Union Security; Cost-of-Living Pay; Holiday Pay; Incentive Pay; Job Classification & Rates; Merit Pay; Overtime Pay; Severance Pay; Vacation Pay; Work Hours/Schedules/Assignments; Working Conditions/Work Orders; Violence or Threats

PERMANENT PANELS:

United Airlines/IAMAW System Board of Adjustment
American Eagle/Air Line Pilots Association System Board of Adjustment
Herzog Transit Services/TWU Local 2013
CSX Transportation, Inc.; Norfolk Southern Corp., Burlington Northern Santa Fe Railway Co.

ARBITRATION ROSTERS:

National Mediation Board
Illinois State Board of Education
Illinois State Labor Relations Board; Illinois Educational Labor Relations Board

PUBLISHED CASES:

88-1 ARB 8102 (1988); 88-2 ARB 8548 (1988); 90-1 ARB 8080 (1990); 90-2 ARB 8383 (1990); 91-1 ARB 8181 (1990); 93 LA 789 (1990); 94 LA 787 (1990); 91-2 ARB 8401 (1991); 92-1 ARB 8131 (1992); 98 LA 152 (1992); 94-1 ARB 4277 (1994); 95-1 ARB 5148 (1995); 107 LA 163 (1996)

SIGNIFICANT PUBLICATIONS:

Contributing Editor, The Railway Labor Act, BNA Books, 1995
"Grievance Arbitration in Public Employee Disciplinary Cases," Labor Law Journal, 1971
"Past Misconduct in Discharge Cases," The Arbitration Journal, Fall, 1969

FEES:

PER DIEM FEE: \$1,000; **DOCKETING FEE:** \$250; **CANCELLATION FEE:** (See below)

Grievance Arbitration: The fee is \$1,000 per day for hearing, and for research and preparation of the opinion and award. A hearing is any portion of a day up to eight hours.

Cancellation Policy: If the scheduled hearing is cancelled or postponed within 30 days of the scheduled hearing, the per diem fee of \$1,000 for each day of hearing shall be charged. If the cancellation/postponement occurs 31 or more days of the scheduled hearing, the prorated per diem fee of \$850 for each day of hearing shall be charged.

Interest Arbitration, Fact-Finding and Mediation: The fee is \$1,200 per day for each day of hearing or session; and for research and preparation of the opinion and award, findings and recommendations. A hearing or session is any portion of a day up to eight hours.

Cancellation Policy: If the scheduled hearing, fact-finding or mediation session is cancelled or postponed within 30 days of the scheduled hearing, fact-finding or mediation session, the per diem fee of \$1,200 for each day of hearing or session shall be charged. If the cancellation/postponement occurs 31 or more days of the scheduled hearing or session, the prorated fee of \$1,000 for each day of hearing or session shall be charged.

Travel Time: Arbitrator charges per diem fee for any portion of a travel day up to eight hours. Fee is prorated for travel time over eight hours for one day at \$100 per hour.

Expenses: Arbitrator charges actual cost of reasonable and necessary expenses including air travel, rail and bus transportation, car rental, meals and lodging. Charges actual expenses for secretarial and clerical services, copying, facsimile transmissions, telephone and postage.

Detailed schedule of fees and expenses will be forwarded to parties immediately upon selection.

CHARLES P. FISCHBACH
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Suite 2303
Chicago, Illinois 60610
(312) 664-3415

EMPLOYMENT HISTORY

MARCH 1985 TO PRESENT

ARBITRATOR AND MEDIATOR - CHICAGO, ILLINOIS

Arbitrates labor disputes in a variety of industries, including aerospace, airlines, automotive, beverage, chemicals, communications, construction and building, electrical appliances and equipment, food, furniture, gas and electric, healthcare, hotels/casinos, insurance, iron products, machine tools, maritime, metal fabrications, non-ferrous metals, office/clerical, packaging and containers, plastics, quarry (stone and gravel), railroads (freight and commuter), restaurants, retail stores, rubber, steel, transportation and trucking. Serves as a mediator, fact-finder and arbitrator in the public sector (federal, state and local; Police, Firefighters, Education); serves as a Referee for the National Railroad Adjustment Board, and Chairman and neutral member of Public Law Boards and System Boards of Adjustment established under the Railway Labor Act and labor agreements. Also a member of the United Airlines/International Association of Machinists and Aerospace Workers System Board of Adjustment; Simmons Airlines (American Eagle)/Air Line Pilots Association System Board of Adjustment; Herzog Transit Services, Inc. and Transport Workers Union of America, Local 2013 Arbitration Panel; Illinois Public Employees Mediation/Arbitration Panels; and Illinois State Board of Education Panel of Hearing Officers. Serves as a hearing officer for the University Civil Service Merit Board (Illinois State Universities Civil Service System); and Alabama Tenured Teachers and School Employees Panel of Hearing Officers. As a member of National Alternative Dispute Resolution Panels, arbitrates employment disputes involving wrongful discharge, breach of contract and restrictive covenants, age/sex discrimination, sexual harassment/hostile work environment and other statutory employment complaints falling within the ambit of Title VII of the Civil Rights Act and companion State laws, and disputes arising under the Family and Medical Leave Act and disability claims involving the Americans with Disabilities Act. Served as a member of the Loewen Group International, Inc. and Montgomery Ward Holding Corporation Alternative Dispute Resolution Panels.

Serves as an Ombudsman on the Terminal Railroad Association of St. Louis investigating and proposing settlements to resolve labor and employment complaints and contract disputes involving union-represented craft employees.

Lectures on collective bargaining and negotiation strategy, alternative dispute resolution, arbitration and mediation case preparation/ presentation, and labor and employment law at professional and industry sponsored seminars and workshops. This activity has also involved the training of management negotiators in the construction industry, union and management representatives in the airline and railroad industries, unionized police in the public sector, and newly appointed arbitrators of the Illinois Industrial Commission and attorneys in the Office of the Illinois Attorney General on arbitration and mediation techniques. From 1999 to 2003, served as a member of the Editorial Advisory Panel for the *Labor Relations Bulletin* (Aspen Publishers).

JUNE 1984 TO FEBRUARY 1985

DIRECTOR OF ADMINISTRATION AND HUMAN RESOURCES, CHICAGO PACIFIC CORPORATION (successor company of the Chicago, Rock Island and Pacific Railroad Company) - CHICAGO, ILLINOIS

Following reorganization, advised the Chairman of the Board and senior management on all aspects of human resources and administration. Continued to manage and coordinate Personnel and Salary Administration, Employee Relations, Health/Casualty Prevention Insurance, and Property Protection and Security. Drafted and promulgated employee relations policies which converted railroad reorganization employment standards to a holding/investment company environment in compliance with other labor and employment laws. Designed cost-contained health and medical benefits and instituted new property schedule insurance and directors/officers liability coverage.

Also served as **VICE PRESIDENT, Rock Island Improvement Company** and **DIRECTOR, Peoria and Bureau Valley Railroad Companies (subsidiaries of the Chicago Pacific Corporation).**

MARCH 1977 TO JUNE 1984**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY - CHICAGO, ILLINOIS****DIRECTOR OF PERSONNEL AND SPECIAL LABOR COUNSEL (October 1981 to June 1984)**

As a member of the Trustee's directorship during court supervised reorganization, managed and coordinated group functions involving Personnel (salary administration, job analysis/classification, recruitment, employee/management development), Labor Relations and Health, Casualty Prevention and Workers' Compensation Insurance. Served as principal advisor to the Trustee and senior management on all aspects of personnel and employee relations.

Designed and implemented a salary/benefits program and companion employment policies (including the Trustee's Employment Manual), and maintained required staffing levels which contributed significantly to the successful reorganization of the company. Participated in landmark U. S. Supreme Court litigation (*Railway Labor Executives Assn. v. Gibbons, Trustee, et al.*, 455 U. S. 457 (1982)) and other federal appellate and district court litigation which successfully dealt with labor-related matters under the Railway Labor Act and the Uniform Bankruptcy Act; and favorably resolved and arbitrated over 6000 contract employee grievances pending against the Trustee. Also dealt with federal and state agencies regarding employee discrimination complaints and compensation claims. As member and later Chairman of the Rock Island Board of Pensions, handled the company's multi-million dollar funded pension plan termination and annuity contract conversion before the Pension Benefit Guaranty Corporation. Authored legislation for a congressional enactment involving a \$35 million labor protective benefits grant for former Rock Island Railroad employees which, after passage, became the *Bankrupt Railroad Preservation and Employee Protection Act of 1982*.

DIRECTOR OF LABOR RELATIONS/CHIEF LABOR RELATIONS OFFICER (March 1977 to September 1981)

Served as chief spokesman in labor negotiations conducted under the Railway Labor Act involving 15 unions and 8500 employees in 13 states; represented management before the National Mediation Board, National Railroad Adjustment Board, Public Law Boards and Presidential Emergency Boards. Appointed Carrier member to the Special Board of Inquiry established by the National Mediation Board in 1979 to resolve the collective bargaining impasse between the Chicago, Rock Island and Pacific Railroad Company and the United Transportation Union concerning, among others, the issue of retroactive pay. Formulated management's collective bargaining proposals dealing with wages and rates of pay, health and welfare benefits, work rules and conditions of employment affecting operating, mechanical, clerical and supervisory employees; drafted, administered and interpreted labor agreements. Negotiated agreements establishing industry-setting two-tier wage structures, entry rates of pay and productive operating and mechanical force work rules resulting in \$20 million in labor cost savings. Handled employee grievances, including labor arbitration and preparation of briefs/memoranda submitted to Adjustment and Public Law Boards. Directed the process of discipline administration. Researched and prepared legal memoranda on labor litigation pertaining to injunctive relief and impeachment of arbitration awards. Handled complaints before EEOC, OSHA, U.S. Department of Labor (Wage and Hour Division) and Federal Railroad Administration.

APRIL 1974 TO FEBRUARY 1977**LABOR RELATIONS CONSULTANT - BALTIMORE, MARYLAND**

Engaged in labor-management relations research and lecturing on private and public sector collective bargaining and dispute resolution. Consulted on State and municipal legislation dealing with civil service, personnel and labor relations and pension reform. Prepared Labor Relations, Personnel and Pension Reports for government commissions and agencies. Represented clients in quasi-judicial administrative agency proceedings and before the Maryland General Assembly and local legislative bodies. Appointed by the Governor to the Maryland State Health Care Malpractice Claims Arbitration Panel.

Member of the Public Sector Labor Relations Conference Board (in association with the University of Maryland), which dealt with fact-finding studies on such subjects as the altered role of government in labor relations; the scope of bargaining in the public sector; the impact of employer-employee collective bargaining upon the merit system; the civil service and the teaching profession; the conditions for assuring fiscal finality in public sector collective bargaining; the transferability to public employment collective bargaining principles developed in the field of private employment; and manpower planning in the public sector.

JULY 1972 TO MARCH 1974**EXECUTIVE DIRECTOR, CLASSIFIED MUNICIPAL EMPLOYEES ASSOCIATION OF BALTIMORE CITY, INC. - BALTIMORE, MARYLAND**

Chief Executive Officer and Chief Negotiator of a public sector employee organization representing 12,000 municipal and state employees. Formulated and handled the Association's collective bargaining with government management on matter of wages and salaries, health and welfare benefits and programs, pension reform and grievance and disciplinary procedures affecting operating, supervisory, clerical and professional employees. Proposed and successfully negotiated labor agreements containing precedent-setting unisex pension provisions eliminating sex discrimination as a criterion for determining a member's annuity contribution and future benefits, the first flextime work schedule arrangement in a major municipality (Baltimore City), novel pay differentials including environmental and out-of-title pay rates and landmark health care benefits for extended care, catastrophic illness and rehabilitation care coverage. Responsible for contract interpretation and administration, research and planning and drafting labor agreements. Directed the disposition of employee grievances and discipline and discharge cases including arbitration and civil service proceedings. Also handled employee representation and certification elections, and was responsible for Association sponsored labor litigation. Represented the Association before State and City legislative committees and commissions, including the Maryland State and Baltimore City Employees' Retirement Systems.

Proposed and successfully advocated the adoption of the first "*Dr. Martin Luther King Jr. Day*" in the public sector on January 15, 1974 in Baltimore, Maryland.

FEBRUARY 1970 TO AUGUST 1970**SPECIAL ASSISTANT TO THE EXECUTIVE OFFICER FOR LABOR RELATIONS AND PERSONNEL, NEW YORK CITY TRANSIT AUTHORITY - BROOKLYN, NEW YORK**

Dealt with public mass transportation labor and personnel involving discipline administration, contract administration and grievance arbitration. Drafted official policy statements governing employee alcohol/drug abuse and absenteeism and tardiness. Prepared memoranda and reports interpreting labor agreements, civil service statutory rules/regulations and decisional law affecting the performance of operating/supervisory personnel and conditions of employment. Reviewed Transit Authority Trial Board disciplinary proceedings and recommendations and Impartial Disciplinary Review Board advisory opinions; wrote the final determinations.

AUGUST 1967 TO JANUARY 1970 AND SEPTEMBER 1970 TO JUNE 1972**ATTORNEY AT LAW AND LABOR RELATIONS CONSULTANT - MADISON, WISCONSIN AND NEW YORK CITY, NEW YORK**

Dealt with labor-management relations in the private and public sectors before federal (NLRB), state (NYSLRB, WERC), and municipal (NYCOCB) agencies involving collective bargaining, contract interpretation, union representation proceedings, jurisdictional disputes and unfair labor practices. Matters of this nature were dealt with under the National Labor Relations Act, Labor-Management Relations Act and companion state and local labor laws. Participated in mediation, fact-finding and arbitration proceedings involving AFL-CIO affiliated unions and industries comprising energy, sanitation, freight, trucking and transportation. Handled labor litigation in federal and state courts on matters concerning prevailing rates of pay and pay equity, disability pension/workers' compensation benefits, and injunctions. In the latter instance, obtained novel injunctive relief under the Norris-LaGuardia Act where labor disputes were subject to arbitration (a permissible application of the Act upheld by the U. S. Supreme Court.) Researched and analyzed employee pension systems, evaluated manpower development and training programs and dealt with a variety of arbitration assignments for the Wisconsin Employment Relations Commission and New York City Office of Collective Bargaining (e.g., authored OCB policy extending mediatory and fact-finding techniques to prevailing rates of pay determinations).

EDUCATION

BACHELOR OF SCIENCE: Political Science and History (1960) - University of Wisconsin, College of Letters and Science, Madison, Wisconsin; MASTER OF ARTS: Political Science and Labor Relations (1962); Graduate Thesis: *"Presidential Seizure Power in Labor Disputes"* - Rutgers University, The Graduate School, Eagleton Institute of Politics and Institute of Management and Labor Relations, New Brunswick, New Jersey; DOCTOR OF LAW (1967) - University of Wisconsin Law School, Madison, Wisconsin.

POST GRADUATE ACADEMIC ACTIVITIES: Contributing Member, The Academy of Political Science, Columbia University, New York 1972-1974; Member Roosevelt University, Chicago, Illinois College of Education Advisory Council, 1989-1993; Member, Board of Visitors, Department of Political Science and the Robert M. LaFollette School of Public Affairs, University of Wisconsin-Madison (2001-2006); Vice Chair, Board of Visitors and Chair, Committee on Support for Teaching and Research (2002-2005).

HONORS

American Jurisprudence Prize in Corporations Law, University of Wisconsin Law School, 1966; New York Times "Who's Who in Labor," 1976; Marquis "Who's Who in Finance and Industry," "Who's Who in American Law," "Who's Who in America," and "Who's Who in the World."

LICENSES

Wisconsin State Bar (1967); Federal Bar of the United States Court of Appeals, Seventh Circuit (1980) and United States District Court, Western District of Wisconsin (1967); Bar of the United States Supreme Court (1974).

PROFESSIONAL AFFILIATIONS

American Bar Association (ABA Section of Labor and Employment Law, Committee on Railway and Airline Labor Law and Committee on ADR in Labor and Employment Law; ABA Section of Dispute Resolution); Association of the State Bar of Wisconsin (Alternative Dispute Resolution Section), and Wisconsin Law Foundation; Fellow, The College of Labor and Employment Lawyers; American Arbitration Association, 1969-2002 (Chairman, AAA Chicago Regional Office Labor Advisory Committee, 1998-2001; Lecturer, AAA Collective Bargaining Institute); Labor and Employment Relations Association; National Association of Railroad Referees (Regional Vice President, 1996-2000); ADR Systems of America, L.L.C.; National Arbitration and Mediation, Inc.

PUBLICATIONS

Contributing Editor, Referee Manual, National Association of Railroad Referees, 1997.

Contributing Editor, The Railway Labor Act, BNA Books, 1995.

Contributing Author, Report of the Committee on Railway and Airline Labor Law, Section of Labor and Employment Law, American Bar Association, 1981, 1982.

Contributing Author, Report of the Committee on State Labor Law and Public Employee Bargaining, Section of Labor and Employment Law, American Bar Association, 1973.

Airline Industry: Bankruptcy Protection and Union Contracts, Labor Relations Bulletin, February, 2003.

Railway Settles Genetic Bias Charges, Labor Relations Bulletin, September, 2002.

Differences Between Labor and Employment Disputes Arbitration, The Seyfarth Shaw 2001 Labor and Employment Law Symposium, Spring, 2001.

Preparing for Arbitration: Opening Statement, Organization of Evidence, Direct and Cross-Examination, Redirect, Recross-Examination and Rebuttal Testimony – an Overview for the Advocate, Proceedings of the Annual Regional Meeting of the United Transportation Union, 2001.

Major and Minor Disputes: What's the Difference?, Proceedings of the Annual Regional Meeting of the United Transportation Union, 2000.

The Concept of Management Rights, Proceedings of the Annual Regional Meeting of the United Transportation Union, 1998.

Preparing for Arbitration: Research and Preparation of the Submission, Proceedings of the Annual Regional Meeting of the United Transportation Union, 1997.

Grievance Arbitration in Public Employee Disciplinary Cases, Labor Law Journal, 1971.

Past Misconduct in Discharge Cases, The Arbitration Journal, Fall, 1969.

CIVIC AFFAIRS AND GOVERNMENT APPOINTMENTS

In 2005, appointed by the Mayor of the City of Chicago to serve as Commissioner on the Board of Commissioners of the Chicago Commission on Human Relations charged with enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. To this end, the Commission investigates and adjudicates, among others, complaints on race, sex, age, religion, disability, national origin and sexual orientation discrimination, and uses its enforcement powers to penalize such discriminatory acts. Under the City of Chicago's Hate Crime Laws, the Commission aids hate crime victims and employs pro-active programs of education, intervention and constituency building to discourage bigotry.

Serves as Chairman of the CCHR Adjudication Review Committee to examine and make recommendations to improve the Commission's investigative procedures and adjudicative process toward eliminating the backlog of pending cases. Also serves on the CCHR Adjudication Panel which preliminarily reviews Hearing Officers' recommended decisions for final action by the Board of Commissioners.

By appointment of the Mayor of the City of Chicago, served from 1999 to 2004 on the Chicago Workforce Board which develops and implements strategies for the allocation of federal funds under the Workforce Investment Act of 1998 to ensure the creation of a workplace development system sustaining Chicago's economic growth and competitiveness by meeting the needs of employers for qualified workers and expanding the employment opportunities for Chicagoland residents through improved education and training. Served as Chair of the CWB Ad Hoc Committee negotiating agreements with various municipal, state and federal agencies, and private sector entities, regarding their participation as contributing partners in the workforce development and training delivery system. While as a member of the Chicago Workforce Board, originated the *Chicago Railroad Hiring Initiative*, which the Mayor's Office of Workforce Development subsequently developed in partnership with the CSX Transportation, Inc., Union Pacific Railroad and City Colleges of Chicago as a five week trainman/conductor training program which enrolled and trained dislocated/laid off workers for jobs in the railroad industry. Presently serves as a member of the Tax Increment Financing Works Advisory Committee, Mayor's Office of Workforce Development.

Also appointed by the Mayor of Chicago in 2002 to the Mayoral Task Force on Employment of People with Disabilities, serving as Task Force Work Group Leader of the Employment Barriers and Model City Work Group, to review and recommend for adoption changes to City Ordinances, personnel rules, employment policies and practices, including the implementation of disability-related training and education programs for City employees, supervisors and managers, and reasonable accommodations for disabled individuals applying for City jobs and incumbent employees with disabilities, and a *Chicago Equity in Disability Hiring Program*. Authored the City of Chicago's *Reasonable Accommodation in Employment and Hiring Practices Policy*, which establishes procedures enhancing municipal government employment opportunities for disabled job applicants and incumbent employees in compliance with the Americans With Disabilities Act and companion state and local laws.

By appointment of the Governor of Illinois, served on the Illinois Economic Board from 1988 to 1990. As Board Member, provided technical assistance and counsel to the Illinois Department of Commerce and Community Affairs and Office of the Governor on private sector programs and policies relating to job retention and training, workers' compensation reform, labor-management cooperation, and the creation of new employment opportunities, business initiatives and economic development throughout the State of Illinois. As Chairman of the IEB Ad Hoc Committee on Industrial Education, proposed an *Industrial Education Policy* to encourage business, labor and academia to develop pragmatic long-term strategies for building a competitive and quality workforce. From 1990 to 1998, served on the Illinois Governor's Commission on Science and Technology by appointment of the Governor.

By appointment of the Governor of Maryland, served on the Maryland State Landlord-Tenant Laws Study Commission from 1976 to 1977. Served in an advisory capacity to the Baltimore City Charter Revision Commission from 1974 to 1975, recommending changes in municipal government labor-management relations and civil service practices. Also served as an advisor to the Baltimore City Commission on Aging from 1973 to 1974.